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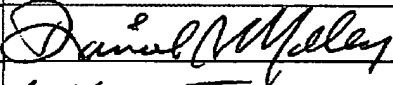
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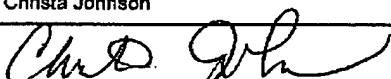
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| | | | |
|---|----------------------|------------------------|-----------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/729,392 | |
| | Filing Date | 12/5/03 | |
| | First Named Inventor | Radosavljevic et al. | |
| | Group Art Unit | 2836 | |
| | Examiner Name | Kitov, Zeev | |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 905P158B (CON1) |

| ENCLOSURES (check all that apply) | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-1546. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|---|--|
| Firm and Individual name | Bond, Schoeneck & King Daniel P. Malley Reg. No. 43,443 | |
| Signature |  | |
| Date | 6-16-05 | |

| CERTIFICATE OF FACSIMILE | | |
|---|---|--------------|
| I hereby certify that this correspondence is faxed to (571) 273-2052 (Examiner Zeev Kitov) and (703) 872-9306 (Art Unit 2836) on this date: 6-16-05 | | |
| Typed or printed name | Christa Johnson | |
| Signature |  | Date 6-16-05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1458, Alexandria, VA 22313-1458.

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1069659.1 4/19/2005

PATENT CASE NAME/No. 905P158B (CON1)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 16 2005

Inventor: Radosavljevic et al.

Serial No: 10/729,392

Filing Date: 12/05/2003

Title: PROTECTION DEVICE WITH
LOCKOUT TEST

Group Art Unit: 2836

Examiner: Kitov, Zeev

RESPONSE

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450**RESPONSE TO THE EXAMINER'S REQUEST FOR A SEPARATE CORRECTION
OF INVENTORSHIP**

Sir:

In response to the Examiner's request for a separate request for correction of inventorship, please find the document attached hereto.

1084808.1 6/16/2005

Request for Correction of Inventorship in Response to Claim of Priority from Co-pending U.S. Application Serial No. 09/827,007

This is a request to correct the inventorship under 37 C.F.R. §1.48(a). M.P.E.P. §201.03 states that correction of inventorship in an application is permitted by amendment under 35 U.S.C. §116 which is implemented by 37 C.F.R. §1.48. 37 C.F.R. §1.48(a) is directed at correcting the inventorship in an application where the inventorship was improperly set forth in the executed oath or declaration filed in the application. In this case, the original declaration claimed priority to U.S. Application Serial No. 09/827,007, now U.S. Patent No. 6,621,388 (Macbeth), under 35 U.S.C. §120. However, the inventorship was improperly set forth in the executed declaration filed in the application because the name of Bruce F. Macbeth was omitted from said executed declaration. Accordingly, please correct the inventorship of the present invention under 37 C.F.R. §1.48(a) to add Bruce F. Macbeth. The inventorship as properly set forth should include Thomas Packard, Dejan Radosavljevic, and Bruce F. Macbeth.

In addition to "a request to correct the inventorship that sets forth the desired inventorship change," an amendment of the inventorship under 37 C.F.R. §1.48(a) must satisfy four (4) additional requirements.

(1) 37 C.F.R. §1.48(a) requires *a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part*. A statement from the inventor being added, Bruce F. Macbeth, is attached hereto.

(2) 37 C.F.R. §1.48(a) requires *an oath or declaration by the actual inventor or inventors as required by § 1.63*. A declaration and assignment which properly sets forth the inventorship is also attached hereto as required by 37 C.F.R. § 1.63.

(3) 37 C.F.R. §1.48(a) requires *the written consent of the assignee under 37 C.F.R. §3.73(b) if an assignment has been executed by any of the original named inventors*. Since an assignment was executed by the original named inventors, agreeing to correction of inventorship in accordance with 37 C.F.R. §3.73(b) is also attached hereto.

(4) Finally, 37 C.F.R. §1.48(a) requires *the processing fee set forth in § 1.17(i)*. The processing fee as set forth in 37 C.F.R. § 1.17(i) is also attached hereto.

According to M.P.E.P §1002.02 (d), a request for correction of inventorship under 37 C.F.R. §1.48(a) is decided by a Supervisory Patent Examiner. Because all of the requirements under 37 C.F.R. §1.48(a) to correct the inventorship have been satisfied, the applicants respectfully request that the inventorship be changed.

Applicants also respectfully request that the claim of priority from co-pending U.S. Application Serial No. 09/827,007, filed April 5, 2001, be granted. The condition regarding common inventorship is satisfied under 35 U.S.C. §120 in light of the correction of inventorship.

Applicant hereby authorizes the Office to charge the necessary fee set forth in 37 C.F.R. § 1.17(i) to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

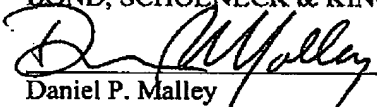
Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

Date:

6-16-2001


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